

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Steven Bushman

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Donna Bushman

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

U.S. District Court for the Southern District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☒ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

July 9, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit

- 1 X Count VII: Negligence – Failure to Warn
- 2 X Count VIII: Negligent Misrepresentation
- 3 X Count IX: Negligence *Per Se*
- 4 X Count X: Breach of Express Warranty
- 5 X Count XI: Breach of Implied Warranty
- 6 X Count XII: Fraudulent Misrepresentation
- 7 X Count XIII: Fraudulent Concealment
- 8 X Count XIV: Violations of Applicable North Carolina Law Prohibiting
- 9 Consumer Fraud and Unfair and Deceptive Trade Practices
- 10 ⊖ X Count XV: Loss of Consortium
- 11 □ Count XVI: Wrongful Death
- 12 □ Count XVII: Survival
- 13 X Punitive Damages
- 14 □ Other(s): _____ (please state the facts supporting
- 15 this Count in the space immediately below)
- 16 _____
- 17 _____

18 13. Jury Trial demanded for all issues so triable?

- 19 X Yes
- 20 □ No

RESPECTFULLY SUBMITTED this 29th day of September, 2016.

BABBITT & JOHNSON, P.A.

By: /s/ Joseph R. Johnson
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HEAVISIDE REED ZAIC

By: /s/ Julia Reed Zaic
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Attorneys for Plaintiffs

I hereby certify that on this 29th day of September, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Joseph R. Johnson

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